

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed March 23, 2005. In the Office Action, claims 1-20 were rejected under 35 U.S.C. §§ 102(e) & 103(a). Applicant respectfully traverses these rejections and requests reconsideration of the allowability of claims 1-20.

Request for Examiner's Interview

The Examiner is respectfully requested to contact the undersigned by telephone at the phone number listed below if after review, such claims are still not in condition for allowance. This telephone conference would greatly facilitate the examination of the present application.

Objection of Claims

Claim 18 and 20 were objected based on grammatical reasons. Applicant has amended claims 18 and 20 to correct these informalities. Withdrawal of the objection is respectfully requested.

Provisional Obviousness-type Double Patenting

Claims 1-8, 12-14, and 17-19 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting based on the outstanding claims set forth in a co-pending Application No. 09/864,042). In response, Applicant respectfully submits herewith an executed terminal disclaimer to overcome the outstanding judicially created doctrine of obviousness-type double patenting rejection. Withdraw of the rejection is respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 12-16 and 18 were rejected under 35 U.S.C. §102(e) as being anticipated by Barbir (U.S. Patent No. 6,122,379). Applicant respectfully requests the Examiner to withdraw the rejection because a *prima facie* case of anticipation has not been established.

As the Examiner is aware, to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Vergegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989).

For instance, with respect to independent claim 12, Applicant respectfully submits that Barbir does not describe logic that performs a state-varying stream cipher operation and uses *an initialization vector being a seed value only during an encryption process with no corresponding seed value being used during a decryption process*. Emphasis added. These limitations are explicitly set forth in claim 12.

With respect to claim 18, Applicant respectfully submits that Barbir does not disclose a computing device that comprises logic which segments the input data into at least three random sized blocks with each block varying in length *in response to variations of the internal state of the computing device altered by the incoming plain text*. Emphasis added. These limitations are explicitly set forth in claim 18.

Thus, in light of the foregoing, withdrawal of the §102(e) rejection as applied to independent claim 12 as well as claims 13-16 and 18 dependent thereon is respectfully requested. Applicant respectfully reserves the right to further submit additional grounds for traversing the rejection is an appeal is warranted.

Rejection Under 35 U.S.C. § 103

A. §103 REJECTION OF CLAIMS 1-3, 5, 6 and 9-11

Claims 1-3, 5, 6 and 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barbir in view of Zhang (U.S. Patent No. 6,154,541). Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143; see also In Re Fine, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988)*. Herein, the combined teachings of the cited references fail to describe or suggest all of the claim limitations.

With respect to independent claim 1, Applicant respectfully submits that neither Barbir nor Zhang, alone or in combination, teach or suggest the following:

a first software routine to divide incoming plain text into variable-sized blocks with each block varying in size *in response to variations of an internal state of the computing device, the internal state of the computing device being altered by the incoming plain text*. Emphasis added

Neither Barbir nor Zhang suggests any operation performed by software where the incoming plain text is divided into variable-sized blocks with each block varying in size in response to variations of an internal state of the computing device that is altered by the incoming plain text. Zhang is devoid of any teaching of block segmentation as claimed. Barbir, however, apparently teaches a RNG that is used to generate a sequence of blocks with different sizes, where the sequence of size of blocks would be the same for a given encryption key. Hence, the sizes of the blocks would be constant for the same encryption key and would not vary as the incoming plain text changes.

Therefore, Applicant respectfully submits that neither Barbir nor Zhang, alone or in combination, disclose or suggest each and every limitation set forth in independent claim 1 as well as dependent claims 2-3, 5, 6 and 9-11. Applicant respectfully reserves the right to further submit additional grounds for traversing the rejection is an appeal is warranted. Withdrawal of the outstanding §103(a) rejection is respectfully requested.

B. §103 REJECTION OF CLAIMS 4, 7, 8, 19 AND 20

Claims 4, 7, 8, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Barbir in view of Zhang and Moskowitz (U.S. Patent No. 5,822,432). With respect to independent claim 19, Applicant respectfully traverses the rejection in its entirety because a *prima facie* case of obviousness has not been established because neither Barbir, Zhang nor Moskowitz, alone or in any combination, suggests use of an initialization vector only for encryption and not for a corresponding decryption operation. For claims 4, 7 and 8, Applicant further traverse the rejection, but such claims are allowable based on the amendments set forth in independent claim 1 and the arguments set forth above.

Therefore, Applicant respectfully request that the outstanding §103(a) rejection as applied to claims 4, 7, 8, 19 and 20 be withdrawn. Applicant respectfully reserves the right to further submit additional grounds for traversing the rejection is an appeal is warranted.

Conclusion

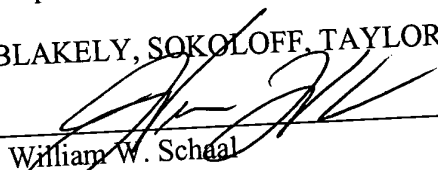
In view of the remarks made above, it is respectfully submitted that pending claims 1-20 define the subject invention over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: September 23, 2005

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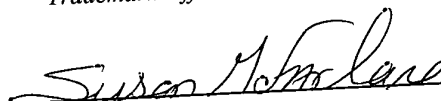
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Susan McFarlane

09/23/2005

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